

REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

I. CLAIM STATUS AND AMENDMENTS

Claims 1-5 were pending in this application when last examined and stand rejected.

Claims 1-5 have been amended to clarify that the human gene over-expression animal is a transgenic mouse. Support can be found in original claim 2. No new matter has been added.

II. FOREIGN PRIORITY

Kindly acknowledge the foreign priority claim under 35 U.S.C. § 119(a)-(d) or (f), as well as receipt of the certified copies of the foreign priority document.

III. NEW MATTER CONCERN AND ENABLEMENT REJECTION

On page 2 of the Advisory Action, it was indicated that the amendment filed April 4, 2006 was not entered on the basis that it constitutes new matter. Specifically, it was indicated that the Specification does not contain written support for transgenic rats and rabbits.

On pages 2-7 of the final Office Action, claims 1-5 were again rejected under 35 U.S.C. § 1112, first paragraph, on the basis that the specification is enabling for a transgenic mouse and no other transgenic animal.

It is respectfully submitted that the present amendment overcomes these rejections and concerns.

In particular, the amended claims specify that the human gene over-expression transgenic animal is a transgenic mouse. Accordingly, the claims have been amended to that which the Examiner indicated is enabled. Further support for the claimed transgenic mice can be found in Example 1 on page 8 (*i.e.*, production of said transgenic mice), Example 2 on page 10 (*i.e.*, use of said transgenic mice as an animal model to test anti-allergy substances), Example 3 on page 10 (*i.e.*, use of said transgenic mice as an animal model to test sleep-lowering substances), and

Example 4 on page 11 (*i.e.*, use of said transgenic mice as an animal model to weight-lowering substances). Therefore, the present amendment overcomes the above-noted rejections.


CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and early notice to that effect is hereby requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

Respectfully submitted,

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